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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,926	12/18/2001	Gregory Anderson	5-13-9-12	2573

7590

04/26/2004

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EXAMINER

UBILES, MARIE C

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 04/26/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,926

Applicant(s)

ANUPAN ET AL.

Examiner

Marie C. Ubiles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it contains less than the minimum range of 50 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

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Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-2, 4-6, 9, 13,16-17, 20 and 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Jahawar et al. (US 6256620).

As for claim 1, Jahawar discloses a system that monitors the access of information by an individual or system (i.e. an automated for use in accordance with a user-interactive processing system)(See *Field of the Invention, Col. 1, lines 6-8*); a process for monitoring the total time the user spend viewing a particular web page, web pages on the web server, web pages of the current type or related to the current product or service, and identify patterns of repeated switching between two or more web pages (i.e. the automated step of monitoring one or more interactions a user has with one or more applications associated with the processing system)(See *Fig. 8, steps 250-258 and Detailed Description, Col. 15, lines 52-55*); the total time spend viewing a particular web page, web pages on the web server, web pages of the current type or related to the current product or service is determined and compared against a threshold in order to determine if help is needed (i.e. the automated step of processing data obtained in association with the monitoring operation to compute a decision value representative of whether or not the user may need intervention with respect to one or more of the applications)(See *Fig. 8, steps 260-266 and Detailed Description, Col. 15, lines 50-67*

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and Col. 16, lines 1-35); and if the threshold is exceeded, a "help" button is generated and automatically display to user (i.e. the automated step of proactively offering the intervention to the user when the computed decision value represents a result indicative that the user is likely to need the intervention)(See Fig 8, step 262 and Detailed Description, Col. 16, lines 33-35).

As for claim 9, it is inherent from Jahawar's et al. system that the obtained data and the computed decision value can be stored on a memory coupled to the processor (as read on "the retrieved information in step 220 is logged (e.g. stored by the user's computer system). The retrieved information may be stored on a permanent storage device such as a disk drive or stored in a volatile storage device")(See, for example, Detailed Description, Col. 14, lines 21-25).

As for claim 16, it is inherent from Jahawar's et al. system that at least one server is operative to execute one or more electronic commerce-based applications for use by at least one customer via a network (reads on "user has been viewing web pages related to a particular product or service")(See, for example, Detailed Description, Col. 16, lines 2-3).

As for claim 20, Jahawar et al. discloses the use of a computer system 52 (i.e. client computing device) coupled through the Internet to a server 40, by a customer in order to interact with the system (i.e. one or more client computing devices coupled to the at least one server for use by the customer in interacting with at least one server)(See Fig. 2, elements 52, 44, 40).

Remaining limitations on claims 9, 16, and 23 are rejected for the same reasons as limitations rejected on claim 1.

As for claims 2-4, Jahawar et al. discloses the system as claimed, wherein after the user selects the "help" button, the system selects an agent to provide assistance to the user based on the information contained in the web pages viewed by the user and after establishing connection the agent is viewing the same web page as the user (i.e. the proactively offered intervention comprises assistance provided by an individual through a communication channel established between the user and the individual in accordance with the user-interactive processing system, and wherein the communication channel comprises a connection over a network with which the user interacts with one or more of the applications of the processing system)(See Fig. 9, steps 270-284 and Detailed Description, Col. 65-67 and Col. 17, lines 1-15); and after selection of the "help" the system connects an agent to a user using a conventional phone (i.e. the communication channel comprises a connection over a standard telephone line)(See Fig. 2, elements 56-48 and Detailed Description, Col. 14, lines 50-54).

As for claim 22, Jahawar et al. discloses the system as claimed, wherein the server is coupled to the Internet (i.e. the data network comprises the Internet)(See Fig. 2, element 44).

Claims 5-6 and 13 are rejected for the same reasons as claim 16.

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Claim 17 is rejected for the same reasons as claims 2-4.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 7-8 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jahawar et al. (US 6256620) in view of Newton (Newton's Telecom Dictionary, 16th Edition).

Jahawar et al. discloses the system as claimed, wherein a conventional telephone is connected to a transaction processing system 42, which is an automatic

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call distributor (See *Detailed Description*, Col. 5, lines 51-55). It can be seen that Jahawar et al. lack the interactive voice response system (IVR) and the IVR further comprising a workflow system.

Newton teaches "An ACD performs four functions...3. Based on these instructions it will send a call to a recording...or to a voice response unit." (See *Automatic Call Distributor*, page 82, P. 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jahawar's et al. system, by adding an IVR so that incoming calls can be forwarded from the ACD and the customer can access the system and verify information without having to wait for an attendant. IVRs use a workflow system in order to process incoming calls and forward these calls to the correct area of service requested by the customer.

6. Claims 10-12 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jahawar et al. (US 6,256,620).

Jahawar et al. discloses the system as claimed, except for a processor comprising a rule-based engine and, wherein the rule-based decision engine is based on at least one of formal and heuristic reasoning, and wherein the data obtained is one of raw data and semantic information.

While, not directly applied to his system, Jahawar et al. points out "...an algorithm or set of rules may be used to determine may be used to determine when to display a "Help" button. The algorithm or set of rules may consider the identity of the

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user, the history of the web pages viewed and the time spent viewing each web page, the content of each web page viewed..." (See *Detailed Description*, Col. 16, lines 39-43).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify Jahawar et al. by adding a algorithm or set of rules to determine when to display the "Help" button (i.e. a rule-based engine) and wherein the data use to consider such decision can be the identity of the user, the history of the web pages viewed and the time spent viewing each web page or the content of each web page viewed (i.e. the data obtained is one of raw data), as per Jahawar's own teachings; and thus in this manner provide a system that would make decisions based on personalized factors. The rule-based decision engine based on at least one of formal and heuristic reasoning would have been obvious, this can be read on the use of an algorithm.

7. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jahawar et al. (US 6,256,620) in view of Horowitz et al. (US 6,349,290).

Jahawar et al. discloses the system as claimed, except for presenting to the user data relevant to the one or more electronic commerce based-applications and wherein the computed decision-value is based on an attribute representative of a business value associated with the customer or the one or more applications.

Horowitz et al. teaches "The customer 2 accesses the Web and requests a collaborative session with voice over Internet Protocol (VoIP). In this example, it is

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assumed that the customer 2 has established Internet access channel and personal equipment to support Internet access including appropriate Web browser, VoIP capabilities or a second phone line to support call backs. Referring to FIG. 26, at S61, the customer 2 is browsing the Web and decides to visit the member lounge and requests entry into member lounge, which triggers the Web site to prompt the customer 2 for his or her personal ID and password. At S62, the customer 2 enters and submits the customer's personal ID and password information to the Web site, which requests and receives customer authentication and allows the customer access into member lounge. At S63, the Web site retrieves relationship information based on customer specified preferences, Referring further to FIG. 26, at S64, using these preferences, the Web site generates a member lounge appearance according to the previously specified details, including but not limited to language and text, product and account displays, and other informational displays including world and local news, weather, sports. At S65, the Web site uses this information to present the customer with focused prompting for appropriate marketing ticklers, product promotions and inducements. The customer relationship information is used by the Web site member lounge to permit or prohibit the use of advanced Internet collaborative features such as VoIP or Text Chat depending on customer value and/or appropriate advocate availability." (See *Detailed Description*, Col. 39, lines 33-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jahawar's et al. system by adding the step using of using the customer preferences for the Web site generates a member lounge

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appearance according to the previously specified details, including but not limited to language and text, product and account displays, and other informational displays including world and local news, weather, sports (i.e. presenting to the user data relevant to the one or more electronic commerce based-applications) and to permit or prohibit the use of advanced Internet collaborative features such as VoIP or Text Chat depending on customer value (i.e. the computed decision-value is based on an attribute representative of a business value associated with the customer or the one or more applications), as per Horowitz teachings; and thus in this manner provide a system capable of using the information to present the customer with focused prompting for appropriate marketing ticklers, product promotions and inducements.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hingorani (US 6,708,215) et al. teaches a method and system for initiating an outbound communication

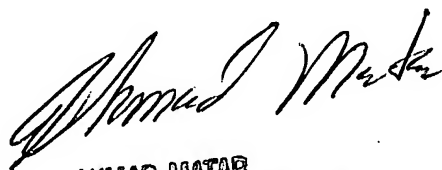
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (703) 305-0684. The examiner can normally be reached on 8am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Marie C. Ubiles
April 6 2004.


AHMAD MATAR
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